

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: 8-26-69 (by deft)

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS						
UNITED STATES OF AMERICA vs 60.00 Acres of Land, more or less, situate in Rogers County, State of Oklahoma, and Lillie Benbow, et al Tract 453M		For plaintiff: Hubert A. Marlow						
		For defendant: George B. Collins 1400 Wichita Plaza Bldg. Wichita, Kansas 67202 (For Lillie Benbow and May Lary) Thomas A. Landrith, Jr. (Inter. Equip.) 203 Thurston Natl. Bldg. Tulsa, Okla. 74103						
STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.		DISB.	
J.S. 5 mailed 8-1	Clerk		5-26-71	Landrith	5	00		
			5-27-71	C.D. No. 52			5	00
J.S. 6 mailed 5-1-71	Marshal							
Basis of Action: Condemnation of land for Oologah Dam & Reservoir Project	Docket fee							
	Witness fees							
Action arose at: Tulsa, Oklahoma	Depositions							

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-23-69	Complaint, filed. g	
7-23-69	Declaration of Taking, filed. g	
7-23-69	Notice, filed. g	
7-23-69	Motion for order for delivery of possession, filed. g	
7-28-69	Order for delivery of possession, filed. b (Luther Bohanon - Judge)	
8-13-69	Return on service of writ, filed. Served Board of County Commissioners by serving Charles Alton; County Treasurer by serving Loy C. Boyd & County Assessor by serving Felitha Jeanguenat all in Claremore, Okla., on 8-12-69. (Fees: \$24.72)m	
8-14-69	Return on service of writ, filed. Served First Natl Bank & Trust Co. at Tulsa, Oklahoma, on 8-13-69. (\$6.00) ds	
8-19-69	Return on Service of Writ filed. Served International Equip. Leasing Corp., by serving Brooks Gutelius as Chairman at Tulsa, Okla. on 8-15-69.h	
8-19-69	Return on Service of Writ, filed. h Served Ossie May Lary c/o Collins, Hughes and Martin, Attys., by serving George B. Collins, Atty of Collins, Hughes, etc., at Wichita, Kansas on 8-13-69. h	
8-19-69	Return on Service of Writ, filed. Served Lillie Benbow by serving George Collins, Atty., at Wichita, Kansas on 8-13-69.h	
8-20-69	Notice of Appearance, filed, by Geo B. Collins, atty for Lillie Benbow and May Lary. js	
8-21-69	Return on service of writ filed. Served M.G. Jensen at Nowata, Okla. on 8-19-69; served Marcella H. Godfrey at Okla City, on 8-12-69; Served Mozelle C. Hill at Okla. City on 8-12-69; W.V. Pound at Ardmore on 8-15-69; Served Louise Pugh at Anadarko, Okla. on 8-12-69.h	
8-26-69	Deft International Equipment Leasing Corp's request for trial by jury, filed. m	
8-26-69	Appearance, answer and cross-complaint of International Equipment Leasing Corp, filed. m	
8-26-69	Return on service of writ filed. Served Okla. Tax Comm at Okla. City, Okla. on 8-11-69. h	
8-27-69	Disclaimer of State of Okla. ex rel. Okla. Tax Commission, filed. m	
8-28-69	Order granting defts. Lillie Benbow and Ossie May Lary an additional 10 days within which to answer, filed. (LB-J)m	
9-22-69	Appearance, Answer and Cross-Complaint of Lillie Benbow and Ossie May Lary, filed. ds	
8-6-70	Certificate for sevice by publication, Tract No. 453M, filed. v	
8-28-70	Certificate of publication and mailing, filed. ds	
9-17-70	Case set for pre-trial Monday 9-28-70 at 9:30 a.m. (LB-J)m	
8-28-70	Pre-trial hearing held. By agreement of parties, case is assigned to a Commission and pltf. to prepare order appointing Commissioners. (LB-J)m	
10-13-70	Order appointing Commissioners, Morris Bradford-Chairman, William Kendall and Cecil L. Hunt, filed. (LB-J)m (copies mailed Commissioners)	
10-14-70	Case set for trial before Commissioners, 9:30 A.M. 11-3-70. g	
10-29-70	Pltf's motion for instructions, with brief in support, filed. m	
11-4-70	Pltfs objection to order appointing commissioners, filed. ds	
11-10-70	Oath of office of commissioners, filed. ds	
3-3-71	Report of Commissioners, filed. Notices mailed. g(3-5-71)	
3-4-71	Claim of Commissioners, filed. g	
3-8-71	Order for payment to commissioners, filed. (LB-J)m	
3-9-71	Motion of defts. for enlargement of time in which to file objections to findings of commissioners and brief in support thereof, filed. m	
3-10-71	Order denying motion for enlargement of time to file objections to findings of commissioners (part of above motion). (LB-J)m(copies mailed)	
3-10-71	Objections of govt. to report of commissioners as to working interest (over)	

D. C. 110A Rev. Civil Docket Continuation

Ⓢ

DATE	PROCEEDINGS	Date Order or Judgment Noted
	with brief in support, filed. m	
3-15-71	Findings and Determinations of Commission, filed. (copies mailed) g	
3-17-71	Objection of International Equipment Leasing Corp. to report of commissioners, filed. m	
3-17-71	Objections of defts. Lillie Benbow and Ossie Mae Lary to report of commissioners, filed. m	
3-17-71	Brief of defts. Intern. Equipment Leasing Corp., Lillie Benbow and Ossie Mae Lary in support of objections to report of commissioners, filed. m	
3-22-71	Plaintiff's response to objection of International Equipment Leasing Corp., filed. g	
3-23-71	Plaintiff's response to objections of defendants Lillie Benbow and Ossie Mae Lary to report of commissioners, filed. g	
4-6-71	Case called for hearing on objections of govt. to report of commissioners as to working interest, objection of International Equipment Leasing Corp. to report of commissioners and objections of defts. Lillie Benbow and Ossie Mae Lary to report of commissioners. Court takes all objections under advisement and will enter an order. Govt. announces intention of appeal & Court will do everything possible to expedite handling of appeal. (LB-J)m	
4-6-71	Judgment, filed and entered, that objections to report of commissioners filed by govt. & defts. are overruled & report of commissioners is approved; that royalty owners in Tr. 453M recover judgment against USA in sum of \$1,425.00; that working interest owners in all 4 tracts recover judgment against USA in sum of \$14,339.00; that overriding royalty interest on all 4 tracts as their interests appear, the sum of \$826.00. (LB-J)m (copies mailed)	
4-13-71	Final judgment as to working interest only, filed and entered; that report of commissioners filed 3-3-71 is approved; deficiency ordered deposited in Registry of Court to be disbursed as per order. (LB-J)m	
4-15-71	Final judgment as to lessor (royalty) interest only, filed and entered. (LB-J)m	
4-15-71	Final judgment as to overriding royalty interest only, filed and entered. (LB-J)m	
5-26-71	Notice of appeal by International Equipment Leasing Corp., filed. g cpy to USCA and US Atty. g	
5-26-71	Bond on appeal (Aetna Casualty & Surety Co.), filed. g	
6-4-71	Notice of cross appeal by USA, filed. cpy to USCA & Tom Landrith. g	
6-24-71	Application of Internat. Equip. Leasing Corp. for extension of time for transmission of the record, filed. m	
6-28-71	Order extending time for transmitting record on appeal for Intern. Equip. Leasing Corp. to 8-24-71, filed. (LB-J)m (cpy to USCA, Marlow & Landrith)	
7-1-71	Stipulation for consolidation of appeals, filed. g	
7-9-71	Application of USA, Cross-appellant, for extension of time to 8-24-71 to docket appeal, filed. g	
7-13-71	Order extending time for transmitting record on appeal to 8-24-71, filed. (LB-J)m (copies mailed USCA & Landrith)	
7-28-71	Stipulation for consolidation of appeals approved by Court. (LB-J)g (Endorsed on stipulation)	
8-18-71	Transcript of proceedings before Commissioners (3 vols.), filed. g	
8-19-71	Transcript of proceedings before Commissioners, filed. (file copy only in 1 vol.)g	
8-20-71	Appeal record (5 vols.) sent to USCA. g	

-cont.-

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-12-72	Mandate & Opinion of USCA affirming judgments of 4-15-71, filed and spread of record. g (Opinion is in filed of 69-C-173)	
6-12-72	Appeal record rec'd. from USCA. g	